



**UNITED STATES BANKRUPTCY COURT FOR
DISTRICT OF NEW JERSEY**

Order Filed on January 29, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

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In Re:

GinaMarie Forester

Debtors.

Case No.: 19-27926

Adv. No.:

Hearing Date:

Judge: Jerrold N. Poslusny, U.S.B.J.

**ORDER APPROVING SETTLEMENT OF CONTROVERSY AND
TRANSFER OF REAL ESTATE PURSUANT TO CONSENT JUDGMENT
ENTERED BY SUPERIOR COURT OF NEW JERSEY ON SEPTEMBER 23, 2019**

The relief set forth on the following pages numbered two (2) and three (3) is
ORDERED.

DATED: January 29, 2020

A handwritten signature in dark ink, appearing to be "J. Poslusny", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

FORD, FLOWE

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THIS MATTER having come before the court upon the Application of Robert A. Loefflad, Esquire, of the Law Firm of Ford, Flower, Hasbrouck & Loefflad, attorneys for the Debtor, GinaMarie Forester, and

WHEREAS, the Debtor's father having formerly owned a condominium unit located at 203 E. Brigantine Avenue, Unit 211, Brigantine, New Jersey (the "Condo Unit"), and

WHEREAS, on June 27, 2014, the Debtor's father executed a Deed purporting to transfer sole ownership of the Condo Unit to the Debtor, and

WHEREAS, on July 17, 2017, the Debtor's father having passed away, and

WHEREAS, on or about June, 2018, the Debtor's sibling, Edward McDonald, Theresa A. Visconto, and Donna M. McDonald-McGinn, having filed a Verified Complaint with the Superior Court of New Jersey, Chancery Division – Probate Part, Atlantic County, under Docket No. 121534, and

WHEREAS, said Verified Complaint having sought, in part, to set aside the transfer of the Condo Unit to Debtor as being the produce of undue influence, and

WHEREAS, on July 31, 2019, the Debtor and her siblings having appeared in court before the Honorable Michael J. Blee, P.J.Ch., of the Superior Court of New Jersey, Chancery Division – Probate Part, Atlantic County, and having placed on the record the terms of a settlement resolving the issues raised by the Verified Complaint, and

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WHEREAS, on September 23, 2019, Judge Blee having executed a Consent Judgment confirming the terms of the settlement, and

WHEREAS, on September 19, 2019, the Debtor, GinaMarie Forester, having filed the withing bankruptcy proceeding under Chapter 13 of the United States Bankruptcy Code, and

WHEREAS, on November 15, 2019, the Debtor having filed a motion to approve the terms of the settlement as set forth in the consent judgment executed by Judge Blee, and to approve the transfer of the Condo Unit to the Debtor's siblings as provided therein, and

WHEREAS, on the same date, the Debtor having filed a Notice of Proposed Settlement or Compromise of Controversy and a Notice of Proposed Private Sale, and

WHEREAS, the court having subsequently served the Notice of Proposed Settlement or Compromise of Controversy and Notice of Proposed Private Sale in accordance with applicable bankruptcy rules and procedures, and

WHEREAS, on November 27, 2019, Isabel C. Balboa, Esquire, in her capacity as the Chapter 13 Standing Trustee, filed a response to Debtor's Motion to Approve Settlement and to Transfer the Condo Unit to the Debtor's siblings as provided therein, and

WHEREAS, on January 7, 2020, Robert A. Loefflad, Esquire, as attorney for the Debtor, Jennifer R. Gorchow, Esquire, as attorney for the Chapter 13 Standing Trustee, Edward

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McDonald, in a self-represented capacity, Theresa A. Visconto, in a self-represented capacity, having appeared before, and

WHEREAS, the court having heard argument of counsel and the self-represented parties, and

WHEREAS, for the reasons stated on the record,

IT IS hereby **ORDERED** that:

1. Stay relief is hereby granted *nunc pro tunc* effective September 23, 2019, as to the state court litigation. The Consent Judgment entered by Judge Blee on September 23, 2019, shall remain in full force and effect and shall be unaffected by the Debtor's bankruptcy filing,

2. The settlement between the Debtor, GinaMarie Forester, and her siblings, Edward McDonald, Theresa A. Visconto, and Donna M. McDonald-McGinn, is hereby approved,

3. The Debtor's motion to transfer the Condominium Unit located at 203 E. Brigantine Avenue, Unit 211, Brigantine, New Jersey, to her siblings consistent with the terms of the Consent Judgment, is hereby approved, except that the Deed transferring title to the Condominium Unit must also be signed by the Chapter 13 Standing Trustee on behalf of the bankruptcy estate,

4. Isabel C. Balboa, Esquire, in her capacity as the Chapter 13 Standing Trustee, is hereby authorized and directed to execute a Deed on behalf of the bankruptcy estate transferring

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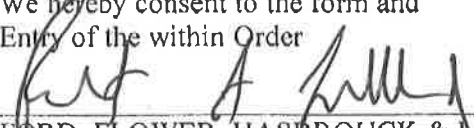
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the Condominium Unit to the Debtor's siblings consistent with the terms of the Consent Judgment. Debtor's counsel shall prepare the Deed for the Trustee's signature.

Debtor's counsel shall serve a copy of this Order on the Trustee and any other party entering an appearance on the motion.

Honorable Jerrold N. Poslusny, Jr., U.S.B.J.

We hereby consent to the form and
Entry of the within Order


FORD, FLOWER, HASBROUCK & LOEFFLAD
By: Robert A. Loefflad, Esquire
Attorney for the Debtor


OFFICE OF THE CHAPTER 13 STANDING TRUSTEE
By: Jennifer R. Gorchow, Esquire
Attorney for the Trustee